

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AR BUTUS BIOPHARMA CORPORATION)
and GENEVANT SCIENCES GMBH,)
Plaintiffs,)
v.) C.A. No. 22-252 (JDW)
MODERNA, INC. and MODERNATX, INC.,)
Defendants.)

STIPULATION AND ORDER REGARDING PRETRIAL EXCHANGES

WHEREAS, the Court previously set deadlines for the Pretrial Order (January 23, 2026), and the Final Pretrial Conference (March 2, 2026), *see* D.I. 485; and

WHEREAS, the parties have met and conferred about intermediate deadlines for the exchange and subsequent submission to the Court of pretrial materials; and

WHEREAS, the parties have agreed on a proposed schedule for the exchange and submission of those materials, subject to any changes desired by the Court;

IT IS HEREBY STIPULATED AND AGREED by the parties, subject to the approval of the Court, that the following schedule shall govern the exchange and submission of pretrial materials:

Event (bolded items indicate submissions to the Court)	Date
Plaintiffs to provide Defendants with a shell document for the joint pretrial order and drafts of the joint sections	Friday, 11/21/2025
<p>Parties to exchange sections of pretrial order:</p> <ul style="list-style-type: none"> the names of all witnesses the party will call or may call to testify and whether the witness will testify in person or by deposition a statement of the issues of fact which the party contends remain to be litigated a statement of the issues of law which the party contends remain to be litigated Brief statement of what plaintiffs/defendants intend to prove 	
<p>Parties to exchange:</p> <ul style="list-style-type: none"> a list of deposition designations¹ a list of exhibits² that the party intends to offer at trial (case-in-chief or rebuttal) objections to the other parties' witnesses 	Wednesday, 12/22/2025
Defendants to provide Plaintiffs with any comments (in the form of a redline) on the draft of the joint sections	
Plaintiffs to provide proposed voir dire, jury instructions, special verdict forms and jury interrogatories	
Parties to exchange potential topics of motions <i>in limine</i>	Monday, 1/12/2026
Deadline for parties to meet and confer regarding potential motions <i>in limine</i>	Friday, 1/16/2026

¹ Disclosures of deposition designations shall include a spreadsheet listing page and line ranges, as well as a copy of the full transcript with designations highlighted.

² The exhibit list shall be provided in Excel format and shall include the following information (where available): date, document name or title, bates range, and deposition exhibit witness/number.

Event (bolded items indicate submissions to the Court)	Date
<p>Parties to exchange:</p> <ul style="list-style-type: none"> • objections to the other party's exhibits including citations to the Federal Rules of Evidence to note any objections thereto <p>Defendants to provide Plaintiffs with any comments (in the form of a redline) on the voir dire, jury instructions, special verdict forms and jury interrogatories</p>	Wednesday, 1/21/2026
<p>Parties to file Pre-Trial Order (“PTO”)</p> <p>Parties serve each other with opening briefs in support of motions <i>in limine</i> (briefs shall be limited to a combined 25 pages for all motions <i>in limine</i>).</p>	Friday, 1/23/2026
<p>Parties to exchange:</p> <ul style="list-style-type: none"> • objections to the other party's deposition designations, including citations to the Federal Rules of Evidence to note any objections thereto, and counter-designations (on a designation-by-designation basis) 	Tuesday, 1/27/2026
<p>Parties to meet and confer to discuss further narrowing (<i>i.e.</i>, reduce asserted claims/patents, reduce prior art references/defenses) following resolution of summary judgment and <i>Daubert</i> motions</p>	4 business days after resolution of summary judgment and <i>Daubert</i> motions (D.I. 475)
<p>Parties to submit a joint letter outlining proposals for further narrowing (<i>i.e.</i>, reduce asserted claims/patents, reduce prior art references/defenses) following resolution of summary judgment and <i>Daubert</i> motions</p>	8 business days after resolution of summary judgment and <i>Daubert</i> motions (D.I. 475)
<p>Plaintiff to file proposed jury instructions, voir dire, and special verdict forms</p>	Wednesday, 2/4/2026

Event (bolded items indicate submissions to the Court)	Date
Parties serve each other with opposition briefs re motions in limine Opposition briefs shall be limited to a combined 25 pages for all motions <i>in limine</i>	Thursday, 2/5/2026
Parties to file opening and opposition briefs re motions <i>in limine</i>, with any accompanying motions to seal	Monday, 2/9/2026
Parties to exchange: <ul style="list-style-type: none">• objections to the other party's counter-designations including citations to the Federal Rules of Evidence to note any objections thereto• Counter-counter designations (on a counter-designation-by-counter-designation basis), if any	Tuesday, 2/10/2026
Parties to exchange: <ul style="list-style-type: none">• objections to the other party's counter-counter-designations including citations to the Federal Rules of Evidence to note any objections thereto	Tuesday, 2/17/2026
Parties to submit deposition designations, with outstanding objections, and marked copies of exhibits, along with exhibit list identifying any outstanding exhibit objections	Monday, 2/23/2026

Any alteration to the above deadlines that concern submissions to the Court shall require the Court's approval. The other deadlines, which do not involve submissions to the Court, may be altered by mutual agreement of the parties, without Court approval.

No other deadlines set forth in Docket Items 485 and 638 are altered by way of this Stipulation.

SHAW KELLER LLP

/s/ Nathan R. Hoeschen

John W. Shaw (#3362)
Karen E. Keller (#4489)
Nathan R. Hoeschen (#6232)
Emily S. DiBenedetto (#6779)
I.M. Pei Building
1105 North Market Street, 12th Floor
Wilmington, DE 19801
(302) 298-0700
jshaw@shawkeller.com
kkeller@shawkeller.com
nhoeschen@shawkeller.com
edibenedetto@shawkeller.com

Attorney for Plaintiffs

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Travis J. Murray

Brian P. Egan (#6227)
Travis J. Murray (#6882)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899
(302) 658-9200
began@morrisnichols.com
tmurray@morrisnichols.com

Attorneys for Defendants

SO ORDERED this ____ day of November, 2025.

UNITED STATES DISTRICT JUDGE